



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/488,971	01/21/2000	William J. Baer	STL000015US1	5172

23373 7590 06/26/2003

SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, DC 20037

EXAMINER

BASHORE, WILLIAM L

ART UNIT	PAPER NUMBER
----------	--------------

2176

DATE MAILED: 06/26/2003

10

Please find below and/or attached an Office communication concerning this application or proceeding.

026

Office Action Summary

Application No.

09/488,971

Applicant(s)

BAER ET AL.

Examiner

William L. Bashore

Art Unit

2176

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 April 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 June 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Art Unit: 2176

DETAILED ACTION

1. This action is responsive to communications: original application filed 1/21/2000. IDS filed 4/24/2000.
2. Claims 1-21 are pending. Claims 1, 4, 8, 11, 15, 18 are independent claims.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over ezWriter 2.0 for Windows (hereinafter ezWriter), August 5, 1998 by Lance Vaughn, Atlanta, IN, downloaded from <<http://www.winsite.com>> on 6/22/2003, application screenshots pages 1-15.**

In regard to independent claim 1, ezWriter teaches a method of reordering content in a plurality of content entities (.rtf files), stored in the ezWriter directory (a data repository, i.e. Windows Explorer accessing ezWriter's file directory of a hard drive), each entity identified by its filename and .rtf extension. Each .rtf file reflects a different section of a work (ezWriter page 3, 7, 15). The limitation of said rtf files stored as a content object would have been obvious to one of ordinary skill in the art at the time of the invention, in view of ezWriter, because of ezWriter's teaching of said rtf files connected via an ezWriter file (.ezw). An ezWriter file is an index of (or a set of pointers to) the saved rtf files, said ezWriter file showing the hierarchical connections to the set of files (ezWriter page 7). Since both the

Art Unit: 2176

.ezw file (“Welcome to ezWriter.ezw”) along with all referenced rtf files are stored in the same directory, this provides a reasonable suggestion to the skilled artisan that this collection of files with index can be interpreted as a content object, since all associated files are grouped and associated accordingly (ezWriter page 15) (compare with claim 1 “*A method for reordering content in a content object stored as a plurality of content entities in a data repository, each content entity having an identifier, comprising the steps of:*”). This provides ezWriter the benefit of increased organization by combining all sections of an author’s story in a single content object.

EzWriter teaches that an ezw files defines the hierarchical organization of a set of related rtf files (a plurality of content entities) (ezWriter page 8). A user can change the displayed hierarchical structure by selecting [Outline, Edit], editing the ezw file, saving said file, then refreshing the Outline (ezWriter pages 8-11). Pages 9-11 illustrate the redefining of the rtf files, subsequent to relocation of one of the files (compare with claim 1 “*Defining the content object with a list of content entity identifiers such that moving a content entity identifier to a new location within the list redefines the order of the object’s content entities.*”, and “*A method for reordering content...*”).

In regard to dependent claim 2, ezWriter teaches content entities in the form of .rtf files. The outline in ezWriter’s left pane reflect the hierarchical structure of the set of said .rtf files. A user specifies said hierarchical structure (user specification) by editing the corresponding .ezw file in Notepad (ezWriter pages 9-11).

In regard to dependent claim 3, ezWriter teaches a user interface in communication with files on a storage (typically a hard drive). EzWriter allows editing (moving) of rtf files via the use of Notepad within ezWriter (ezWriter pages 8-11). EzWriter also teaches a planned improvement of allowing modification of the outline without having to edit the source file (ezWriter page 12, bullet 5).

In regard to independent claim 4, claim 4 incorporates substantially similar subject matter as claimed in claim 1, and in further view of the following, is rejected along the same rationale.

EzWriter teaches a hierarchically structured outline window display of related .rtf files (ezWriter page 4; compare with claim 1 “*hierarchically structured*”).

In regard to dependent claim 5, ezWriter teaches content entities in the form of .rtf files. The outline in ezWriter’s left pane reflect the hierarchical structure of the set of said .rtf files. A user specifies said hierarchical structure (user specification) by editing the corresponding .ezw file in Notepad (ezWriter pages 9-11).

In regard to dependent claim 6, ezWriter teaches a user interface in communication with files on a storage (typically a hard drive). EzWriter allows editing (moving) of rtf files via the use of Notepad within ezWriter (ezWriter pages 8-11). EzWriter also teaches a planned improvement of allowing modification of the outline without having to edit the source file (ezWriter page 12, bullet 5).

In regard to dependent claim 7, ezWriter teaches that its invention is to assist with the organization of outlines, concepts, notes, and chapters. The author (a Science-Fiction writer), used said invention to maintain files associated with a Science-Fiction Trilogy (ezWriter page 3).

In regard to claims 8-10, claims 8-10 reflect the program storage device comprising computer executable instructions used for performing the method steps as claimed in claims 1-3, respectively, and are rejected along the same rationale.

Art Unit: 2176

In regard to claims 11-14, claims 11-14 incorporate substantially similar subject matter as claimed in claims 4-7, respectively, and are rejected along the same rationale.

In regard to claims 15-17, claims 15-17 reflect the system comprising computer readable instructions used for performing the method steps as claimed in claims 1-3, respectively, and are rejected along the same rationale.

In regard to claims 18-21, claims 18-21 reflect the system comprising computer readable instructions used for performing the method steps as claimed in claims 4-7, respectively, and are rejected along the same rationale.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William Bashore whose telephone number is (703) 308-5807. The examiner can normally be reached on Monday through Friday from 11:30 AM to 8:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon, can be reached on (703) 308-5186.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Art Unit: 2176

6. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 746-7239 (for formal communications intended for entry)

or:

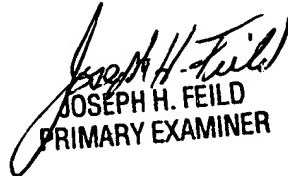
(703) 746-7240 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

or:

(703) 746-7238 (for after-final communications)

**Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
Arlington, VA, Fourth Floor (Receptionist).**

William L. Bashore
June 22, 2003


JOSEPH H. FEILD
PRIMARY EXAMINER